

INSURANCE DIVISION[191]

Notice of Intended Action

Proposing rule making related to long-term care insurance and providing an opportunity for public comment

The Insurance Division hereby proposes to amend Chapter 39, “Long-Term Care Insurance,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 514G.11.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 514G as amended by 2017 Iowa Acts, House File 626.

Purpose and Summary

Chapter 39 establishes standards for creating, promoting, educating, and selling long-term care insurance in a way that promotes innovation while identifying ways to protect the public from unfair and deceptive trade practices. The amendments are proposed to implement 2017 Iowa Acts, House File 626, which rescinded the consumer filing fee for an insured’s request for an independent review of a benefit trigger determination related to long-term care insurance. This Notice was submitted within 180 days of the effective date of the bill to comply with Iowa Code section 17A.4(10).

The Division intends that the amendments shall become effective April 18, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

The proposed amendments are subject to the Division’s general waiver provisions of rules 191—4.21(17A) to 191—4.36(17A).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Division no later than 4:30 p.m. on February 6, 2018. Comments should be directed to:

Ann Outka
Insurance Division
Two Ruan Center
601 Locust, 4th Floor
Des Moines, Iowa 50309
Fax: 515.281.3059
Email: ann.outka@iid.iowa.gov

Public Hearing

No public hearing is scheduled at this time. An oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, an agency, or an association of 25 or more persons as provided in Iowa Code section 17A.4(1)“b.”

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 191—39.45(514G) as follows:

191—39.45(514G) Notice of internal appeal decision and right to independent review. Upon the conclusion of the internal appeal mechanism specified in ~~2008 Iowa Acts, House File 2694, section 10~~ Iowa Code section 514G.109(2), the notice required in ~~2008 Iowa Acts, House File 2694, section 10,~~ Iowa Code section 514G.110(2) “b” and “c” shall contain the following information:

39.45(1) No change.

39.45(2) A description of how the insured can request independent review of the benefit trigger determination. Such description must specify the following:

a. No change.

b. The request must be made to the Iowa Insurance Division, ~~330 Maple Street~~ Two Ruan Center, Fourth Floor, 601 Locust Street, Des Moines, Iowa 50319 50309-3738;

c. A copy of the insurer’s benefit trigger determination letter must accompany the written request for an independent review;

~~d. A \$25 filing fee is required unless the insured is requesting that the fee be waived. The check should be made payable to the Iowa Insurance Division. If a waiver is requested, the request shall include an explanation for the insured’s request that the fee be waived.~~

ITEM 2. Amend rule 191—39.46(514G) as follows:

191—39.46(514G) Independent review request.

~~**39.46(1)**~~ The insured shall send a copy of the insurer’s notice explaining why the benefit trigger has not been met, with the insured’s request for an independent review, to the insurance commissioner within 60 days of receipt of the benefit trigger determination. The notice shall be sent to the commissioner at the Iowa Insurance Division, ~~330 Maple Street~~ Two Ruan Center, Fourth Floor, 601 Locust Street, Des Moines, Iowa 50319 50309-3738.

~~**39.46(2)** A \$25 filing fee shall be enclosed with the independent review request. The commissioner may waive the fee for good cause.~~